

REMARKS

## I. INTRODUCTION

In response to the Office Action dated July 16, 2002, claims 1 and 22 have been amended. Claims 1-105 remain in the application. Entry of these amendments, and re-consideration of the application, as amended, is requested.

## II. INTERVIEW SUMMARY

On several dates in July, an interview was conducted between Examiner Debbie Le and Jason S. Feldmar, Reg. No. 39,187. The Examiner indicated that claims 64-105 were in allowable form. However, the Examiner indicated a Final Rejection would be issued with respect to claims 1-63 if not withdrawn via an Examiner's amendment. The substance of such a rejection was not discussed. Applicants did not agree to cancellation of the claims prior to issuance of the Office Action.

## III. ALLOWABLE CLAIMS

On page 6 of the Office Action, the Examiner indicated claims 64-105 were patentably distinct over the art of record. Applicant appreciates the indication of allowance. However, Applicant traverses the rejection of the claims as indicated below.

## IV. PRIOR ART REJECTIONS

The Office Action rejected claims 1-63 under 35 U.S.C. 103(a) as being unpatentable over Kiernan et al in view of Weidenfeller et al. Specifically, claim 1 was rejected as follows:

As per claim 1, Kiernan discloses a system for displaying a tree structure for representing hierarchical data in programmed computer comprising:

Selecting one or more objects on the original tree to be contained in the customized tree in response to user input; linking the selected objects in a user-specified manner (fig. 8b, col. 3, lines 1-8, col. 6, lines 26-61).

Kiernan does not explicitly teach wherein the one or more objects are located in disparate places across different branches of the original tree. However, Weidenfeller discloses that one or more objects are located in disparate places across different branches of the original tree (fig. 7, col. 3, lines 17-29, col. 5, lines 14-25, 66-67, col. 6, lines 1-19, col. 9, lines 1-15). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kiernan with Weidenfeller to implement the step of one or more objects are located in disparate places across different branches of the original tree in order to provide users the capability to perform operations on an object tree in a graphical user interface to display the user's selected

object within the content of its hierarchy and also display related objects defined by user specified criteria. The selection's object makes it much easier to ensure that all and only the elements which should be selected are selected.

Applicants traverse the rejections. Specifically, neither Kiernan nor Weidenfeller teach, disclose, or suggest the creation of a customized tree where objects that are selected from disparate places in one tree are linked together in a user-specified manner in a second customizable tree.

The amended claims provide that the objects selected from disparate places in the original tree are linked together in the customizable tree in a user-specified manner. The Office Action cites Kiernan to teach the element of linking together the objects in a user-specified manner. However, as clearly set forth throughout Kiernan, Kiernan merely separates a portion of one tree into another tree:

...The user can separate a portion of a tree control at a node and create a new tree control for viewing and editing. Changes to a newly created tree control propagate through to the related tree controls. (See Abstract)

...In one implementation of the invention, the user can separate or "rip" a graphical tree structure into a smaller, more manageable tree for viewing and editing. (See col. 2, lines 53-56)

...In response to a user command to separate the tree into another tree, the application creates a new tree control starting from the node selected by the user. (See col. 3, lines 4-6).

Thus, unlike the present invention, in Kiernan, a node or particular location within a tree is identified and selected. Thereafter, the node and the nodes in the tree hierarchically below that node are "separated" and created in a new window. The mere separation of a node from a tree into a new window for editing is clearly different and distinguishable from a fully customizable tree where objects are selected from disparate places across different branches of a tree and linked together in the new tree in a user-selectable manner. In this regard, Kiernan fails to even remotely suggest such a fully customizable tree. Further, the ability to link together various objects (originally present in varying locations) in a user-definable manner is not even remotely suggested. In fact, the linking of any objects together in a user-definable manner is not mentioned or suggested anywhere in Kiernan.

In the Office Action, Weidenfeller is used to teach the element of the objects being in disparate places across a network. However, Weidenfeller also fails to teach, disclose, or suggest linking the objects selected from one tree in a new tree in a user-customizable manner. Weidenfeller discloses the use of a "bucket" that contains a subset of data from a tree (see col. 5, lines 2-8). The user selects items from a tree browser to go into the bucket (see col. 5, lines 47-65). However,

Weidenfeller fails to suggest linking objects in the buckets or in a new customized tree that contains objects from the original tree.

Instead, Weidenfeller suggests that selections in a bucket window can be added to the original tree browser window (see col. 8, lines 11-13). In other words, selections in the bucket windows can be copied back to one or more multiple tree browser windows (see col. 8, lines 31-34). However, Weidenfeller contains no teaching nor suggestion for linking the objects selected in the first window into a second customized "tree" in a user specified manner. In other words, while the claims provide for linking the objects from a tree into a customized tree window, Weidenfeller merely suggests placing items into a bucket. There is no linking of the objects in the bucket in a particular user-specified manner. Instead, the objects are just placed into the bucket. Further, while Weidenfeller may teach that a bucket window can be viewed as a tree list (see col. 9, lines 1-10), it still fails to teach the linking of selected objects in the tree list in a user-customized manner. Merely placing items into a bucket and viewing the bucket as a tree list is not equivalent and does not render obvious customizing the links of the objects in the tree in a user-specified manner as claimed.

In addition to the above, when combined, the references actually teach away from Applicants' invention. For example, the combined references would teach ripping a portion of a tree from Kernan into a bucket of Weidenfeller. However, such a teaching fails to disclose linking the selected objects in a user-specified manner in a customized tree.

The various elements of Applicant's claimed invention together provide operational advantages over the systems disclosed in Kernan and Weidenfeller. In addition, Applicant's invention solves problems not recognized by Kernan and Weidenfeller.

Thus, Applicant submits that independent claims 1, 22, 43, 64, 78, and 92 are allowable over Kernan and Weidenfeller. Further, dependent claims 2-21, 23-42, 44-63, 65-77, 79-91, and 93-105 are submitted to be allowable over Kernan and Weidenfeller in the same manner, because they are dependent on independent claims 1, 22, 43, 64, 78, and 92, respectively, and because they contain all the limitations of the independent claims. In addition, dependent claims 2-21, 23-42, 44-63, 65-77, 79-91, and 93-105 recite additional novel elements not shown by Kernan and Weidenfeller.

V. CONCLUSION

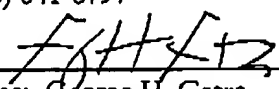
In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectively solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

GATES & COOPER LLP  
Attorneys for Applicant(s)

Howard Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, California 90045  
(310) 641-8797

Date: September 16, 2002

By:   
Name: George H. Gates  
Reg. No.: 33,500

GHG/JSF/amb

## APPENDIX: CLAIMS IN MARKED-UP FORM

1. (TWICE AMENDED) A method of creating a customized tree in a computer from a original tree containing objects from a data storage device connected to the computer, the method comprising :

selecting one or more objects on the original tree to be contained in the customized tree in response to user input, wherein the one or more objects are located in disparate places across different branches of the original tree; and

linking the selected objects from the disparate places in the customized tree in a user-specified manner.

22. (TWICE AMENDED) An apparatus for creating a customized tree in a computer, the apparatus comprising:

a computer having a data storage device connected thereto, wherein the data storage device stores objects contained in a original tree; and

one or more computer programs for selecting an object on the original tree to be contained in the customized tree in response to user input, wherein the one or more objects are located in disparate places across different branches of the original tree, and linking the selected objects from the disparate places in the customized tree in a user-specified manner.